

**United States District Court**  
**for**  
**District of New Jersey**  
**Report on Offender Under Supervision**

Name of Offender: Frank Culbreath

Cr.: 07-00493-01  
PACTS #: 49430

Name of Sentencing Judicial Officer: Jose L. Linares, USDJ

Date of Original Sentence: 03/14/08

Original Offense: Unlawful Transport of Firearms

Original Sentence: 75 months custody, 3 years supervised release, \$100 special assessment

Type of Supervision: Supervised Release

Date Supervision Commenced: 12/31/12

**NONCOMPLIANCE SUMMARY**

The offender has not complied with the following condition(s) of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
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1	The offender has violated the special supervision condition which states 'ALCOHOL/DRUG TESTING AND TREATMENT: You shall refrain from the illegal possession and use of drugs, including prescription medication not prescribed in your name, and the use of alcohol, and shall submit to urinalysis or other forms of testing to ensure compliance. It is further ordered that you shall submit to evaluation and treatment, on an outpatient or inpatient basis, as approved by the U.S. Probation Office. You shall abide by the rules of any program and shall remain in treatment until satisfactorily discharged by the Court. You shall alert all medical professionals of any prior substance abuse history, including any prior history of prescription drug abuse. The Probation Officer shall supervise your compliance with this condition.'
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At a violation of supervised release hearing on November 21, 2013, Culbreath pled guilty to failure to maintain employment (count two) and failure to report a change of residence in a timely manner (count four), and the conditions of supervision were modified to include five months of community confinement. Your Honor afforded Culbreath a lesser period of confinement because he had not tested positive for illicit substances during the period of supervised release.

On December 30, 2013, Culbreath was admitted to Toler House in Newark, NJ. On January 6, 2014, the undersigned was contacted by Culbreath's case manager, who advised that a drug test administered on the date of entry, returned positive for marijuana.

U.S. Probation Officer Action:

Typically, residents of Toler House completing their custodial sentence would be returned to the Bureau of Prisons as a result of a positive drug test. This also applies to residents at the facility on a modification to the original sentence. In this case, however, halfway house officials will consider that Culbreath tested positive on the date he entered the facility (because it suggests that he used marijuana prior to entering the facility). Additionally, it is noted that a test conducted on January 3, 2014, was also positive for marijuana, but demonstrated that the level of marijuana in Culbreath's system was lower than the original test on December 30, 2013. Culbreath will continue to be tested until the tests are negative; any additional positive tests will result in his expulsion.

The Probation Office would normally take steps to correct an offender's behavior relative to drug use, which would minimally include increased testing, a drug assessment and possibly participating in Narcotics Anonymous (NA) meetings. Please indicate where noted below if Your Honor agrees this course of action is appropriate or if Culbreath should be presented in court for this additional violation.

Respectfully submitted,

*Denise Morales*

By: Denise Morales  
U.S. Probation Officer  
Date: 01/14/14 *RS*

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*No Response is necessary unless the court directs that additional action be taken as follows:*

- [ ☒ ] Allow the offender to remain at Toler House.  
[ ☐ ] Have the the offender discharged from Toler House and submit a Request for Warrant or Summons.  
[ ☐ ] Other:

  
\_\_\_\_\_  
Signature of Judicial Officer

*1/16/14*  
\_\_\_\_\_  
Date